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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,511	10/03/2003	Philippe Schottland	GEPL.P-079	2510

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OPPEDAHL & LARSON LLP - LEXAN
PO BOX 5068
DILLON, CO 80435

EXAMINER	
LEE, GUIYOUNG	
ART UNIT	**PAPER NUMBER**
2875	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/605,511	SCHOTTLAND ET AL.
	Examiner	Art Unit
	Guiyoung Lee	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) *43-58* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42.59 and 60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1103*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim1-42 and 59-60, drawn to an automobile headlamp, classified in class 362, subclass 520.

II. Claim43-58, drawn to a lens, classified in class 362, subclass 326.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions an automobile headlamp and a lens are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because light emitted from the light source can pass through the lens without grooves or protrusions formed on the inner surface of the lens. The subcombination has separate utility such as a lens having a concave outer surface and a flat or convex inner surface and edge surface wherein the lens has grooves or protrusions formed on the inner surface.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mariana Larson on 15 November 2005 a provisional election was made without traverse to prosecute the invention of an automotive

headlamp, claims 1-42 and 59-60. Affirmation of this election must be made by applicant in replying to this Office action. Claims 43-58 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1:The term "SAE standards" are indefinite since the organizations implementing standards meets regularly and have the authority to modify standards, any connection a claim may have to these standards may have varying scope over time.

Re claim 2-42 are necessarily rejected because of their dependency.

8. Claims 6, 16, 25, 34, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 6, 16, 25, 34, and 40: The chemical groups associated with "derivatives" are indefinite since derivatives dose not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-3, 7-10, 35-37, and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,637,922 B2).

11. Re claims 1-3, 7-10, 35-37, and 59-60: Lee discloses an automotive headlamp and a method for altering chromaticity of the headlamp having a housing, a light source such as a neon lamp tube, an outer lens, wherein the lens comprises a polycarbonate and a photo-luminescent material such as a fluorescent element or coating (4 in Fig. 3). Lee does not teach that the illuminating beam from the headlamp has X chromaticity coordinate of 0.345 to 0.405, which is in the range of chromaticity coordinate for reddish purple, white and yellowish green. However, it has been known that fluorescent pigments typically absorb invisible ultraviolet light and re-emit light somewhere in the visible spectrum in 400-700 nm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to produce color light having X chromaticity coordinate of 0.345 to 0.405 in order to enhance the light intensity and brightness of the headlamp.

12. Claims 4-6, 11-16, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Burns et al. (USPT 5,605,761).

13. Re claims 4-6, 11-16, and 38-42: Lee does not disclose the ratio of concentration of fluorescent material as set forth in the claims 11-16 and 38-42. However, Burns teaches a polycarbonate articles containing fluorescent dye between about 0.05 and about 0.7 weight percent, and Burn teaches that the fluorescent dye is comprises of a dye selected from the group consisting of thioxanthone, perylene imide and thioindigoid compounds. Further, Burns teaches that articles with dye loading outside this range can be used in accordance with the invention (col. 3, lines 30-48). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the ratio of concentration of fluorescent dye as taught by Burns in order to avoid self-quenching that cause an undesirable decrease in fluorescent brightness (col. 3, lines 47-48).

14. Claims 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Burns as applied to claims 1 above, and further in view of Lyons et al. (US 6,155,694). The teachings of Lee and Burns have been discussed above.

15. Re claims 17-34: Lee does not disclose the light source is a halogen infrared reflected light source having a low beam out and an high beam output as set forth in the claims 17-19. However, Lyons discloses a halogen headlamp and its light outputs (Fig. 4). It would have been obvious to one having ordinary skill in the art at the time the invention made to substitute Lee's light source with Lyons' halogen headlamp because a halogen headlamp is known in the art of headlamp and the selection of these known equivalents would be within the level of ordinary

skill in the art. Further, Lyons discloses protrusions formed on a major surface (36 in Fig. 2). It would have been obvious to one having ordinary skill in the art at the time of the invention employ Lyons' protrusions on the surface of Lee's lens in order to spread light beams from the light source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY

Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800